

RECEIVED

JUN 07 2002

GROUP 3600

PATENT

Customer No. 22,852

Attorney Docket No. 7883.0003-04

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Peter J. WILK

Application No.: 10/062,409

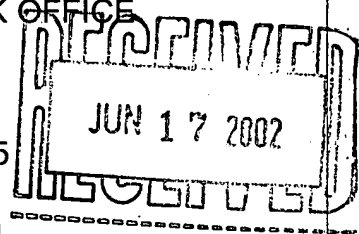
Filed: February 5, 2002

For: CORONARY ARTERY BY-PASS
METHOD

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

)
)
) Group Art Unit: 2165
)
) Examiner: Unknown
)
)
)



RECEIVED

JUN 04 2002

Technology Center 2100

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicant brings to the attention of the Examiner the documents listed on the attached Form PTO 1449. To the undersigned's knowledge, this Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

Copies of the documents listed on pages 1-5 of the attached Form PTO 1449 were either previously submitted or cited by the Examiner in at least one of U.S. Application No. 09/315,383, filed May 18, 1999, now U.S. Patent No. 6,363,939; U.S. Application No. 08/893,643, filed July 11, 1997, now U.S. Patent No. 5,908,028; and U.S. Application No. 08/665,950, filed June 19, 1996, now U.S. Patent No. 5,662,124, upon which Applicant relies for the benefits provided in 35 U.S.C. § 120. Therefore, under the provisions of 37 C.F.R. §1.98(d), copies of the those documents are not being submitted herewith. Copies of the documents listed on pages 6-8 of the Form PTO

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

1449 are attached. Should the Examiner for any reason need a copy of any of the cited documents, the Examiner is invited to telephone the undersigned at (202) 408-4445 and such copy will be provided.

Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached Form PTO 1449.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicant determines that the cited documents do not constitute "prior art" under United States law, Applicant reserves the right to present to the U.S. Patent and Trademark Office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: May 31, 2002

By: Susanne T. Jones
Susanne T. Jones
Reg. No. 44,472

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com



INFORMATION DISCLOSURE CITATION
(Page 1 of 8)

OMB No. 0651-0011

RECEIVED

| | | | | | | |
|---|------------------|-----------------|---|-----------------|-----------|----------------------------|
| Atty. Docket No. | 07883.0003-04000 | Application No. | 10/062,409 | JUN 07 2002 | | |
| Applicant | Peter J. WILK | | | GROUP 3600 | | |
| Filing Date | February 5, 2002 | | Group: | 2165 | | |
| U.S. PATENT DOCUMENTS | | | | | | |
| Examiner Initial* | Document Number | Date | Name | Class | Sub Class | Filing Date If Appropriate |
| | 3,971,363 | 07/27/76 | Fletcher et al. | | | |
| | 4,469,098 | 09/1984 | Davi | | | |
| | 4,658,817 | 04/1987 | Hardy | | | |
| | 4,785,815 | 11/1988 | Cohen | | | |
| | 4,995,857 | 02/1991 | Arnold | | | |
| | 4,997,431 | 03/1991 | Isner et al. | | | |
| | 5,106,386 | 04/1992 | Isner et al. | | | |
| | 5,111,832 | 5/1992 | Sakesena | | | |
| | 5,258,008 | 11/02/93 | Wilk | | | |
| | 5,287,861 | 02/1994 | Wilk | | | |
| | 5,327,913 | 07/1994 | Taheri | | | |
| | 5,330,486 | 07/19/94 | Wilk | | | |
| | 5,389,096 | 02/14/95 | Aita et al. | | | |
| | 5,409,019 | 04/25/95 | Wilk | | | |
| | 5,429,144 | 07/1995 | Wilk | | | |
| | 5,470,320 | 11/28/95 | Tiefenbrun et al. | | | |
| | 5,554,152 | 09/10/96 | Aita et al. | | | |
| | 5,662,124 | 09/02/97 | Wilk | | | |
| | 5,683,366 | 11/04/97 | Eggers et al. | | | |
| | 5,758,663 | 06/02/98 | Wilk et al. | | | |
| | 5,810,836 | 09/22/98 | Hussein et al. | | | |
| | 5,832,929 | 11/10/98 | Rudko et al. | | | |
| Examiner | | | | Date Considered | | |
| *Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. | | | | | | |
| Form PTO 1449 | | | Patent and Trademark Office - U.S. Department of Commerce | | | |

RECEIVED
JUN 04 2002
Technology Center 2100



INFORMATION DISCLOSURE CITATION
(Page 2 of 8)

OMB No. 0651-0011

RECEIVED

JUN 07 2002

GROUP 3600

| | | | | | | | |
|---|--|----------------------------|----------|---|-------|-----------|----------------------------|
| Atty. Docket No. 07883.0003-04000 | | Application No. 10/062,409 | | | | | |
| Applicant Peter J. Wilk | | | | | | | |
| Filing Date February 5, 2002 | | Group: 2165 | | | | | |
| U.S. PATENT DOCUMENTS | | | | | | | |
| Examiner Initial* | | Document Number | Date | Name | Class | Sub Class | Filing Date If Appropriate |
| | | 5,860,951 | 01/19/99 | Eggers et al. | | | |
| | | 5,873,855 | 02/23/99 | Eggers et al. | | | |
| | | 5,891,133 | 04/06/99 | Murphy-Chutorian | | | |
| | | 5,908,028 | 06/01/99 | Wilk | | | |
| | | 5,925,033 | 07/20/99 | Aita et al. | | | |
| | | 5,951,541 | 09/14/99 | Simpson et al. | | | |
| | | 5,957,916 | 09/28/99 | Jeevanandam et al. | | | |
| | | 5,989,284 | 11/23/99 | Laufer | | | |
| | | 6,019,756 | 02/01/00 | Mueller et al. | | | |
| | | 6,027,497 | 02/22/00 | Daniel et al. | | | |
| | | 6,032,674 | 03/07/00 | Eggers et al. | | | |
| | | 6,036,685 | 03/14/00 | Mueller | | | |
| | | 6,039,727 | 03/21/00 | Javier, Jr., et al. | | | |
| | | 6,068,638 | 05/30/00 | Makower | | | |
| | | 6,080,163 | 06/27/00 | Hussein et al. | | | |
| | | 6,132,422 | 10/17/00 | Rudko | | | |
| | | 6,132,451 | 10/17/00 | Payne et al. | | | |
| FOREIGN PATENT DOCUMENTS | | | | | | | |
| | | Document Number | Date | Country | Class | Sub Class | Translation Yes or No |
| | | WO 96/39964 | 12/19/96 | PCT | | | |
| | | WO 97/13463 | 04/17/97 | PCT | | | |
| | | WO 97/13468 | 04/17/97 | PCT | | | |
| Examiner | | | | Date Considered | | | |
| *Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. | | | | | | | |
| Form PTO 1449 | | | | Patent and Trademark Office - U.S. Department of Commerce | | | |

RECEIVED
JUN 04 2002
Technology Center 2100



INFORMATION DISCLOSURE CITATION
(Page 3 of 8)

OMB No. 0651-0011

RECEIVED
JUN 07 2002
GROUP 3600

| | | | | | | | |
|---|--|-----------------|----------------------------|---|-------|-----------|-----------------------|
| Atty. Docket No. 07883.0003-04000 | | | Application No. 10/062,409 | | | | |
| Applicant Peter J. Wilk | | | | | | | |
| Filing Date February 5, 2002 | | | Group: 2165 | | | | |
| FOREIGN PATENT DOCUMENTS | | | | | | | |
| | | Document Number | Date | Country | Class | Sub Class | Translation Yes or No |
| | | WO 97/13471 | 04/17/97 | PCT | | | |
| | | WO 97/27893 | 08/07/97 | PCT | | | |
| | | WO 97/27897 | 08/07/97 | PCT | | | |
| | | WO 97/27898 | 08/07/97 | PCT | | | |
| | | WO 97/32551 | 09/12/97 | PCT | | | |
| | | WO 97/34540 | 09/25/97 | PCT | | | |
| | | WO 99/38459 | 08/05/99 | PCT | | | |
| | | 1 036 547 A2 | 09/20/00 | EP | | | |
| | | 0 515 867 B1 | 07/07/99 | EP | | | |
| | | 0 792 624 A1 | 09/03/97 | EP | | | |
| | | 0 797 957 A1 | 10/01/ 97 | EP | | | |
| | | 0 797 958 A1 | 10/01/97 | EP | | | |
| | | 0 799 604 A1 | 10/08/97 | EP | | | |
| | | 0 801 928 A1 | 10/22/97 | EP | | | |
| | | 3718139 | 12/1988 | DE | | | |
| OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.) | | | | | | | |
| | <i>American Medical Association Publication; International Cardiovascular Society, "Myocardial Boring for the Ischemic Heart," A. Wakabayashi, M.D., et al.; Fifteenth Scientific Meeting, Atlantic City, NJ, June 16 and 17, 1967; Archives of Surgery, pp. 743-752, Vol. 95, No. 5, Nov. 1967,</i> | | | | | | |
| | <i>American Medical Association Publication; "Myocardial Revascularization Experiments Using the Epicardium," B. G. Lary, M.D., et al.; Archives of Surgery, pp. 69-72, Vol. 98, No. 1, Jan. 1969.</i> | | | | | | |
| | <i>The Journal of Thoracic and Cardiovascular Surgery, "Experimental Evaluation of Direct Transventricular Revascularization," L. Kuzela, M.D., et al., pp. 770-773, Vol. 57, January-June 1969, The C.V. Mosby Co., St. Louis, MO.</i> | | | | | | |
| Examiner | | | | Date Considered | | | |
| *Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. | | | | | | | |
| Form PTO 1449 | | | | Patent and Trademark Office - U.S. Department of Commerce | | | |

RECEIVED
JUN 04 2002
Technology Center 2100



RECEIVED

JUN 07 2002

OMB No. 0651-0011

INFORMATION DISCLOSURE SECTION
(Page 4 of 8)

GROUP 3600

RECEIVED

JUN 04 2002

Technology Center 2100

| | | | |
|--|---|---|------------|
| Atty. Docket No. | 07883.0003-04000 | Application No. | 10/062,409 |
| Applicant | Peter J. Wilk | | |
| Filing Date | February 5, 2002 | Group: | 2165 |
| OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.) | | | |
| | <i>The Journal of Thoracic and Cardiovascular Surgery</i> , "Myocardial Revascularization by a New Method of Carrying Blood Directly from the Left Ventricular Cavity into the Coronary Circulation," C Massimo, M.D., et al., pp. 257-264, August 1957. | | |
| | <i>The Journal of Thoracic and Cardiovascular Surgery</i> , "Experimental Evaluation of Myocardial Tunnelization as a Method of Myocardial Revascularization," I. Anabtawi, M.D., et al., pp. 638-646., November 1969. | | |
| | <i>The Journal of Thoracic and Cardiovascular Surgery</i> , "The Possibility of Myocardial Revascularization by Creation of a Left Ventriculocoronary Artery Fistula," I. Munro, M.D., et al., pp. 25-32., Vol. 58, 1969. | | |
| | <i>The Journal of Thoracic and Cardiovascular Surgery</i> , "Myocardial Revascularization by a New Method of Carrying Blood Directly from the Left Ventricular Cavity into the Coronary Circulation," C. Massimo, M.D., et al., pp. 257-264, Vol. 34, 1957. | | |
| | <i>AJR</i> , "Expandable Intrahepatic Portacaval Shunt Stents in Dogs with Chronic Portal Hypertension," J. Palmaz, et al., pp. 1251-1256, December, 1988. | | |
| | <i>AJR</i> , "Expandable Intrahepatic Portacaval Shunt Stents: Early Experience in the Dog," J. Palmaz, et al., pp. 821-825. | | |
| | <i>American Heart Journal</i> , "Effects of Laser Irradiation Delivered by Flexible Fiberoptic System on the Left Ventricular Internal Myocardium," G. Lee, M.D., et al., pp. 587-590, Vol. 106, No. 3, September 1983. | | |
| | <i>Texas Heart Institute Journal</i> , "Transmyocardial Laser Revascularization," D. Cooley, M.D., et al., pp. 220-224, Vol. 21, No. 3, 1994. | | |
| | <i>American Journal of Physiology</i> , "Transmural Myocardial Perfusion During Restricted Coronary Inflow in the Awake Dog," R. Bache, et al., pp. H645-651, Vol. 232, No. 6 ISSN-0002-9513. | | |
| | <i>The Annals of Thoracic Surgery</i> , "Myocardial Canalization," A. Khazei, M.D., et al., Vol. 6, No. 2, August 1968. | | |
| | <i>Surgical Forum</i> , "Proceedings of the 24th Annual Sessions of the Forum on Fundamental Surgical Problems," 54th Clinical Congress of the American College of Surgeons, Chicago, Illinois, October, 1968," pp. 156-159, American College of Surgeons, Chicago, Illinois. | | |
| | Lee et al., "Effects of Laser Irradiation Delivered by Flexible Fiberoptic System on the Left Ventricular Internal Myocardium", <i>Am Heart J</i> 106(3):587-590, Sept. 1983. | | |
| Examiner | Date Considered | | |
| *Examiner: | Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. | | |
| Form PTO 1449 | | Patent and Trademark Office - U.S. Department of Commerce | |



OMB No. 0651-0011

INFORMATION DISCLOSURE CITATION
(Page 5 of 8)

| | | | |
|---|--|-----------------|------------|
| Atty. Docket No. | 07883.0003-04000 | Application No. | 10/062,409 |
| Applicant | Peter J. Wilk | | |
| Filing Date | February 5, 2002 | Group: | 2165 |
| OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.) | | | |
| | Isner et al., Lasers: their Potential in Cardiovascular Medicine, Cardiovascular Medicine 1985, 23-37, May 1985. | | |
| Examiner | Date Considered | | |
| *Examiner: | Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. | | |
| Form PTO 1449 | Patent and Trademark Office - U.S. Department of Commerce | | |

RECEIVED
JUN 04 2002
Technology Center 2100**RECEIVED**
JUN 07 2002
GROUP 3600



OMB No. 0651-0011

INFORMATION DISCLOSURE CITATION
(Page 6 of 8)

| Atty. Docket No. | 07883.0003-04000 | Application No. | 010/062,409 | RECEIVED JUN 07 2002 | | |
|-----------------------|--|---|-------------------|--------------------------------|-----------|----------------------------|
| Applicant | Peter J. WILK | | | GROUP 3600 | | |
| Filing Date | February 5, 2002 | Group: | 2165 | | | |
| U.S. PATENT DOCUMENTS | | | | | | |
| Examiner Initial* | Document Number | Date | Name | Class | Sub Class | Filing Date If Appropriate |
| | 4,249,541 | 02/1981 | Pratt | | | |
| | 4,861,330 | 08/1989 | Voss | | | |
| | 4,953,553 | 09/1990 | Tremulis | | | |
| | 5,143,093 | 09/1992 | Sahota | | | |
| | 5,180,366 | 01/1993 | Woods | | | |
| | 5,269,326 | 12/1993 | Verrier | | | |
| | 5,292,309 | 03/1994 | Van Tassel et al. | | | |
| | 5,380,316 | 01/1995 | Aita et al. | | | |
| | 5,409,012 | 04/1995 | Sahatjian | | | |
| | 5,411,552 | 05/1995 | Andersen et al. | | | |
| | 5,423,744 | 06/1995 | Gencheff et al. | | | |
| | 5,458,574 | 10/1995 | Machold et al. | | | |
| | 5,462,544 | 10/1995 | Saksena et al. | | | |
| | 5,533,957 | 07/1996 | Aldea | | | |
| | 5,554,119 | 09/1996 | Harrison et al. | | | |
| | 5,611,778 | 03/1997 | Brinon | | | |
| | 5,697,281 | 12/1997 | Eggers et al. | | | |
| | 5,700,259 | 12/1997 | Negus et al. | | | |
| | 5,725,523 | 03/1998 | Mueller | | | |
| | 5,738,680 | 04/1998 | Mueller et al. | | | |
| | 5,746,709 | 05/1998 | Rom et al. | | | |
| | 5,766,164 | 06/1998 | Mueller et al. | | | |
| Examiner | | | Date Considered | | | |
| *Examiner: | Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. | | | | | |
| Form PTO 1449 | | Patent and Trademark Office - U.S. Department of Commerce | | | | |



INFORMATION DISCLOSURE CITATION
(Page 7 of 8)

OMB No. 0651-0011

| | | | | | | |
|---|-----------------|-----------------------------|---|-------------------|-----------|----------------------------|
| Atty. Docket No. 07883.0003-04000 | | Application No. 010/062,409 | | RECEIVED | | |
| Applicant Peter J. WILK | | JUN 07 2002 | | | | |
| Filing Date February 5, 2002 | | Group: 2165 | | GROUP 3600 | | |
| U.S. PATENT DOCUMENTS | | | | | | |
| Examiner Initial* | Document Number | Date | Name | Class | Sub Class | Filing Date If Appropriate |
| | 5,782,823 | 07/1998 | Mueller | | | |
| | 5,893,848 | 04/1999 | Negus et al. | | | |
| | 5,993,468 | 11/1999 | Rygaard | | | |
| | 5,997,525 | 12/1999 | March et al. | | | |
| | 6,080,170 | 06/2000 | Nash et al. | | | |
| | 6,102,046 | 08/2000 | Weinstein et al. | | | |
| | 6,113,587 | 09/2000 | Negus et al. | | | |
| | 6,156,031 | 12/2000 | Aita et al. | | | |
| | 6,159,225 | 12/2000 | Makower | | | |
| | 6,168,624 | 01/2001 | Sudai | | | |
| | 6,171,303 | 01/2001 | Ben-Haim et al. | | | |
| | 6,231,587 | 05/2001 | Makower | | | |
| | 6,267,757 | 07/2001 | Aita et al. | | | |
| | 6,283,955 | 09/2001 | Pacala et al. | | | |
| | 6,283,983 | 09/2001 | Makower et al. | | | |
| | 6,302,875 | 10/2001 | Makower et al. | | | |
| | 6,315,774 | 11/2001 | Daniel et al. | | | |
| | 6,363,939 | 4/2002 | Wilk | | | |
| | 6,375,615 | 04/2002 | Flaherty et al. | | | |
| | 6,379,319 | 04/2002 | Garibotto et al. | | | |
| Examiner | | | Date Considered | | | |
| *Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. | | | | | | |
| Form PTO 1449 | | | Patent and Trademark Office - U.S. Department of Commerce | | | |



INFORMATION DISCLOSURE CITATION
(Page 8 of 8)

OMB No. 0651-0011

| | | | | | | |
|---|---|-------------------------|---|-------------------|------------------|------------------------------|
| Atty. Docket No. | 07883.0003-04000 | Application No. | 010/062,409 | RECEIVED | | |
| Applicant | Peter J. WILK | | | JUN 0-7 2002 | | |
| Filing Date | February 5, 2002 | Group: | 2165 | GROUP 3600 | | |
| U.S. PATENT APPLICATION PUBLICATIONS | | | | | | |
| | Document Number | Publication Date | Country | Class | Sub Class | Translation Yes or No |
| | 2001/0047165 A1 | 11/2001 | Makower et al. | | | |
| | 2002/0002349 A1 | 01/2002 | Flaherty et al. | | | |
| | 2002/0029079 A1 | 03/2002 | Kim et al. | | | |
| FOREIGN PATENT DOCUMENTS | | | | | | |
| | Document Number | Date | Country | Class | Sub Class | Translation Yes or No |
| | WO 96/35469 | 11/1996 | PCT | | | |
| | WO 96/39962 | 12/1996 | PCT | | | |
| | WO 97/18768 | 05/1997 | PCT | | | |
| | WO 98/16161 | 04/1998 | PCT | | | |
| | 0 815 798 A2 | 01/1998 | EP | | | |
| | 0 876 795 A2 | 11/1998 | EP | | | |
| | 1 166 721 A2 | 01/2002 | EP | | | |
| OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.) | | | | | | |
| | Tweden et al., "Ventriculocoronary Artery Bypass (VCAB), a Novel Approach to Myocardial Revascularization", 6 pages, #2000-4653, February 2000. | | | | | |
| Examiner | | | Date Considered | | | |
| *Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. | | | | | | |
| Form PTO 1449 | | | Patent and Trademark Office - U.S. Department of Commerce | | | |